R-4800-2A

EQUAL PAY

At a special conference called to discuss the "revolutionary" idea of comparable worth, officials of the New Jersey Education Association told colleagues that they plan to test the concept in court before carrying it to the bargaining table.

See Page 5.

INADEQUATE FUNDS

A new study of the nation's Catholic schools concludes that the sources of support they currently rely on are not sufficient to maintain them in the future; it also finds "visible tensions" in the schools, but "much goodness" as well.

See Pages 10 and 11.

GREATER STATUS

A visiting German educator says teachers in his country receive scholarly training, earn good salaries, and are held in higher esteem than are teachers in the U. S.

See Page 13.

EDUCATION WEEK

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Rise in Learning-Disabled Pupils Fuels Concern in States, Districts

By Susan G. Foster

The number of learning-disabled students has grown so rapidly in recent years that school officials—under mounting political pressure—are being forced to reassess the way in which such children are identified and classified.

Since the enactment in 1975 of the federal law guaranteeing handicapped children the right to an education, the number of learning-disabled students receiving special services in the nation's schools has risen by 948,658 children to 1.7 million, a 119-percent increase over a seven-year period. During that same time, overall enrollment in public schools dropped by about 11.5 percent, according to federal statistics.

Learning-disabled students represented 40 percent of the more than 4 million students served in special-education programs throughout the country during the 1982-83 school year, according to data collected by the U. S. Education Department. That same year, learning-disabled students represented about 4.3 percent of the school-age population.

In some states, the growth in the number of special-education students has far exceeded the national averages. For example:

• In New York, the number of learning-disabled students increased by 68 percent between the 1981-82 and 1982-83 school

Continued on Page 18

NEAJOE DI DIO

About 10 percent of the nation's schoolchildren—4 million pupils—are now enrolled in special-education classes like this one.

Senate To Vote on $600-Million for Asbestos Control

First Settlement Reached; Legal View Complicated

By Susan Walton

A $600-million, seven-year program to fund asbestos removal in public and private schools will be considered by the U. S. Senate some time in the next few weeks, and its sponsors are cautiously optimistic that it will win the votes needed for passage.

Senator James Abdnor, Republican of South Dakota, is the main sponsor of the measure, filed earlier this month as an amendment to S 757, the solid-waste-disposal amendments of 1983. The Senate is expected to take up that bill—the major environmental bill of the current session—late this week or early next week. The House passed its version of the solid-waste bill earlier, without an asbestos amendment.

The filing of the amendment coincided with several other major developments on the problem of asbestos in the schools. Late last week, a federal district judge in Philadelphia refused to vacate an earlier order that certified, or established, a "mandatory class" of school-district plaintiffs in suits against three of the 54 companies named in the class action.

The judge's move apparently means that all school districts are members of the class, and those who want to sue the three firms—

Continued on Page 16

Philadelphia To Study Classification of Learning-Disabled Pupils

Superintendent Finds Rise in Number 'Questionable'

By Vernon Loeb
Special to Education Week

PHILADELPHIA—Well into her second year in office, Superintendent of Schools Constance E. Clayton has announced that she is ready to take on the task of reforming the city's special-education program, a vast administrative maze that few school officials here claim to fully understand.

The Philadelphia School District now spends close to $100 million a year on instruction for more than 27,000 special-education students in full-day and part-time classes, more than the total number of students in any other school district in Pennsylvania except Pittsburgh.

And Ms. Clayton is the first to admit that she does not know whether that money is being well spent serving a special population that has steadily grown in recent years while the district's overall enrollment has steadily declined.

But by far the largest source of concern is an explosion in the district's number of learning-disabled students over the past seven years. In 1977-78, the system had 1,113 learning-disabled students enrolled in full-time classes; now it has 6,640, a 496% increase, and that total does not include another 5,402 learning-disabled students enrolled in part-time programs.

'Questionable' Increases

Ms. Clayton said in a recent interview that such rapid increases in the number of children being identified as learning-disabled were "questionable." And there is a growing sense among school officials and special-education advocates outside the system that a significant number of Philadelphia schoolchildren have been improperly identified as learning-disabled for a variety of reasons and placed in costly programs for the handicapped.

"I want to be very sure that children are not being placed in learning-disabled classes simply because they 'act out,' " Ms. Clayton said. "And I don't want children labeled as learning-disabled for the rest of their lives."

Among the questions that need to be answered as part of Ms. Clayton's special-education investigation, according to the officials and advocates, are:

• Why there has been a 496-percent increase in the district's learning-disabled population over the past seven years while the number of children identified as "educably mentally retarded" has decreased by 70 percent over the same period, from 4,488 in 1977-78 to the current 2,650.

Continued on Page 15

Undercover in Schools: Educators Divided on Use of Agents

By Cindy Currence

Across the country this spring, hundreds of high-school students have been arrested because their sale or use of illicit drugs on school grounds was observed by undercover narcotics agents posing as students.

The arrests, and the drug-abuse-prevention programs that led to them, have sparked intense debate in some communities and educators and community leaders are lining up on both sides of the issue.

Advocates of the use of undercover agents say it offers the only accurate method of gauging the extent to which drugs are used on campus and possibly the only effective method of eradicating the problem.

But opponents say the programs are "short-sighted" at best, and at worst, thwart the educational process and may violate the constitutional rights of students and teachers.

According to statistics from "Drugs and American High School Students, 1975-1983," a study released in February by the National Institute on Drug Abuse, drug use among high-school seniors is common and has increased significantly since 1975 when researchers began collecting data.

Fifty-seven percent of students who graduated in 1983 reported having used marijuana, compared with only 47 percent of the class of 1975. Last year, researchers reported a "leveling and the beginning of a decline" in drug use, but added that the use of heroin and other opiates had remained virtually unchanged since 1979 and that the use of cocaine continued at "peak" levels. About 16 percent of seniors in the class of 1983 reported that they had used cocaine, while only 9 percent of seniors in 1975 said they had used the drug. *(See Education Week, Feb. 15, 1984.)*

Two Schools of Thought

"There definitely are two schools of thought on this issue," said Eugene Graves, principal of the Junior High School of the Kennebunks in Maine and chairman of the education committee of the National Federation of Parents for Drug-Free Youth, a national coalition of grassroots parents' groups brought together with the assis-

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IN SUMMARY

A Push for Pay Equity
The New Jersey Education Association says it will test the concept of "comparable worth" in court. **Story on Page 5.**

Professional Development
Wake County plans to become the second district in North Carolina to adopt a career-ladder plan for teachers. **Story on Page 6.**

Textbooks in Texas
The State Board of Education has repealed a rule requiring that textbooks treat evolution as one of several theories. **Story on Page 8.**

From Theory to Practice
Maryland educators have tested strategies to improve elementary-school teaching and find they work. **Story on Page 9.**

Catholic Schools
New studies of the schools conclude that they are facing financial problems and continuing enrollment declines. **Story on Page 10.**

Reform in Louisiana
The Governor has submitted to the legislature a 60-point, $300-million proposal for educational improvement. **Story on Page 12.**

A View From Abroad
Teachers in Germany have higher salaries and more prestige than their U. S. counterparts. **Interview on Page 13.**

Diagnosis or Treatment?
Lawyers argue before the U. S. Supreme Court over the obligation of a school to catheterize a handicapped pupil. **Story on Page 14.**

Little Rock Revisited
A federal judge has ordered two white suburban districts to join a predominantly black district. **Story on Page 14.**

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THE WEEK

FEDERAL

Senate Committee Would Freeze Education Spending

Fiscal 1985 funding for education and other nondefense discretionary programs would be frozen at current levels under an overall spending plan approved by the Senate Budget Committee this month.

According to budget documents, the total amount available for the budget category that includes education, training, employment, and social-service programs would be $28.9 billion in fiscal 1985, compared with $31.3 billion in this year's budget. The apparent decline is due to one-time-only advance funding for the Job Training Partnership Act program in fiscal 1984.

The full Senate is expected to take up the committee's spending plan, known as the first concurrent budget resolution, shortly after it reconvenes from its Easter / Passover recess on April 24. The House passed its version of the budget resolution earlier in the month.

STATES

College Guarantees Performance of Teacher Graduates

Officials of the University of Northern Colorado have offered to retrain this year's graduates from its college of education who fail to perform satisfactorily on the job, at no cost to the schools or the employees in question.

Daniel J. Burke, dean of the university's college of education, said the offer, which is outlined in a two-page document sent recently to every principal and superintendent in the state, is designed to "build confidence in the [university's education] graduates, the program, and the faculty."

"The day is over, in my judgment, when we can sit and prepare teacher candidates in isolation," Mr. Burke explained.

"We need to work with school districts and agencies that employ our graduates" to "bridge the gap that has existed in the field."

Under the plan, the university has agreed to work with school officials and other education-related employers to resolve problems related to the performance of graduates. He said the strategy could include additional college training, independent study, or consultation with a university professor for graduates whose training is found inadequate.

Mr. Burke said the offer would be available to this year's graduates only.

He said, however, that the university also has agreed to provide professional-development training to previous graduates who are nominated by their employers.

According to Mr. Burke, the university's college of education is the fifth largest in the country. He said about 1,100 students are granted degrees each year and about two-thirds apply for state certification.

Utah State Board Considers Credit for Religious Instruction

The Utah Board of Education is considering a proposal that would allow schools to give high-school students credit for elective, off-campus courses in religious instruction.

The proposal has been criticized by officials of the state chapter of the American Civil Liberties Union, who say it is designed to favor students who study in Mormon seminaries, which are adjacent to many Utah public high schools.

According to Kathryn Collard, a lawyer for the A.C.L.U., "the sponsorship of those courses constitutes advancement of a particular religion." Ms. Collard argued successfully in 1977 against seminary credit before the U. S. Court of Appeals for the 10th Circuit in *Lanner* v. *Wimmer*.

But the proposal the board is considering "closely follows" the appeals court's decision in *Lanner* by allowing all students to obtain credit for release-time classes and thus is constitutionally sound, said Doug Bates, administrative assistant for school law at the state education department.

About 60 percent of students in Utah public schools attend release-time classes, Mr. Bates said.

Teachers' Group Mounts Campaign For Higher Pay

The Association of Texas Professionals has begun a letter-writing campaign in support of a special session by the state House of Representatives this summer to address a proposed pay increase for teachers.

The 38,000-member association, the second-largest teachers' group in the state, wants lawmakers to hold the special session in June, according to Annelle McCorkle, the association's assistant executive director.

She said Gov. Mark White had proposed a 24-percent increase over the biennium but the legislature last year failed to provide funding for his proposal through a tax increase. The issue surfaced again last month when the Governor's education-reform panel recommended raising the salaries of beginning teachers from the current level of about $11,100 annually to about $15,000.

In their letters, according to Ms. McCorkle, "the teachers are saying, 'Don't be afraid to support a tax increase. We as educators will back you and help you explain why it's necessary.'"

University Raises Admission Standards In South Carolina

The University of South Carolina has joined the rest of the state's public four-year colleges in approving higher admission requirements that will affect all students applying for admission for the fall of 1988.

According to Deborah C. Haynes, associate director of admissions at the University of South Carolina, the new requirements include four units of English; three units of mathematics (including algebra 1 and 2, with a fourth unit of geometry strongly recommended); two units of laboratory sciences (with a third unit strongly recommended); three units of social sciences; two units of the same foreign language; one unit of advanced mathematics, computer science, world history, world geography, or Western civilization; one unit of physical education; and three additional electives.

Last June, after a year of work by an advisory committee, the South Carolina Commission on Higher Education approved a list of recommended high-school courses. The list was accepted last fall by all the other state four-year institutions, including Clemson, the Citadel, the College of Charleston, South Carolina State College, Lander College, Winthrop College, and Francis Marion College, according to Frank E. Conard, associate director for academic affairs for the commission.

Illinois Legislature Considers Seat Belts For School Buses

Illinois may become the first state to require districts to equip new school buses with safety belts—and require students to wear them—if the state's General Assembly approves a measure now under consideration.

"Illinois could lead the nation," said Carol Fast, chairman of a New York City-based coalition pushing for similar legislation nationwide.

Under the proposal, all new school buses, beginning with the 1985 models, would be required to have seat belts, passengers would have to use them, and the state would be required to reimburse local districts for the added cost.

State Representative John Cullerton, a Chicago Democrat, said the intent of the bill is to reduce fatalities from traffic accidents and to get children in the habit of wearing seat belts.

Last year, lawmakers enacted legislation requiring children under 6 years old to wear safety restraints in automobiles.

DATABANK

A Survey of Catholic Schools

With funding from the Ford Foundation, the Minneapolis-based Search Institute conducted a survey of 910 principals of Catholic high schools. Following are findings from the preliminary report. The survey was designed to develop a "national composite view of the resources, programs, facilities, personnel, and policies" of Catholic high schools. A final report is scheduled for publication in September.

1. Administration

In U. S. Catholic high schools . . .

- Forty-three percent report that the principal is a woman religious. Twenty-seven percent of principals are Catholic laity. Twenty-one percent are priests.
- In "the past 10 years," 52 percent of Catholic high schools have had three or more principals.
- In nearly one-third of high schools, the tenure of the current principal has been two years or less.
- Ninety-nine percent of high schools have graduation requirements in the areas of mathematics, science, history / social sciences, and religion. Fifty-seven percent have requirements in foreign languages, 51 percent in fine arts, and 18 percent in computer science.
- From a list of 14 educational goals, principals placed the most importance on "building community among faculty, students, and parents."
- Eighty-two percent of schools have a professional staff meeting once a month or more often; 8 percent have weekly meetings.
- Ninety-nine percent have a student council or other representative body elected by students.
- Ninety-eight percent of principals have an advanced degree (M.A., M.S., or higher). Of these, 6 percent have a doctorate.

2. Teachers

In U. S. Catholic high schools . . .

- Ninety-four percent of full-time teachers are white, 2 percent are black, 4 percent are of Spanish origin, and 1 percent are Asian.
- About 51 percent of full-time teachers are Catholic laymen or laywomen.
- Eighteen percent of full-time teachers are non-Catholic.
- About one-third of full-time teachers have been with their respective schools two years or less.
- About three-quarters (74 percent) of full-time teachers are 44 years old or younger.
- Seven percent of schools use merit as a factor in establishing teachers' compensation.
- In 32 percent of schools, teachers are represented during contract negotations by some negotiating group.
- Fifty-four percent of full-time teachers have an advanced degree (M.A., M.S., or higher).
- In 1982-83, the average salary paid to a beginning lay teacher with a B.A. in Catholic high schools was $10,951.

3. Students

In U. S. Catholic high schools . . .

- Eighty-six percent of students are Catholic.
- Eighty percent of high-school students are white. Minority percentages are as follows:

Black	8%
Spanish-origin	8%
Asian	2%
Native American	1%

- Each principal was asked to estimate the distribution of family gross annual-income levels for his or her high-school students. The national percentages, based on the 910 completed surveys are as follows:

Under $10,000	7%
$10,001-$20,000	24%
$20,001-$30,000	34%
$30,001-$50,000	25%
$50,001 or more	11%

- Average daily student attendance for 1982-83 was 95 percent.
- In 1982-83, 13 percent of students received financial aid from their high school.
- Eighty percent of the graduating class of 1983 enrolled in a 2-year or 4-year college or university.
- Thirty-four percent of schools have more than a 20 percent enrollment of students from single-parent families, based on principals' estimates.
- Over the last three years, the average Catholic high school had five graduates who were National Merit Scholarship Finalists or Semi-Finalists.

4. Academic and Co-Curricular Programs

In U. S. Catholic high schools . . .

- More than one-third (34%) of the graduating seniors in the class of 1983 took a third-year course in French, German, or Spanish. Sixteen percent took a fourth year.
- Ninety-two percent of the class of 1983 had one or more courses in biology, 56 percent had one or more courses in chemistry, 28 percent had one or more courses in physics, and 15 percent had calculus.
- Forty-six percent offer off-campus community-service activities for credit.
- Seventy-nine percent offer chorus or choir activities, 54 percent have a student band, and 23 percent have a student orchestra.
- The vast majority of schools attended by girls have girls' varsity athletics.

5. Religious Education

In U. S. Catholic high schools . . .

- Sixty-four percent of full-time religion teachers are laity.
- Fifty-two percent of schools offer mass once a week or more.
- Sixty-seven percent of high schools require 9th-grade students to attend one or more retreats; 59 percent require 12th graders to attend one or more retreats.
- Seventy-eight percent of Catholic high schools provide, on a yearly basis, inservice training for all faculty outlining their role in the school's overall religious mission.
- Twenty-six percent of high schools have one or more teachers who are Jewish.
- Seventy percent of high schools have added new courses within the last five years to address issues related to the social teachings of the [Roman Catholic] Church.
- Ninety-five percent of all high-school students who are Catholic (and 88 percent of those who are not Catholic) are required to attend some or all liturgical services held in the school.
- On the average, 50 percent of all Catholic high-school class sessions begin with prayer.
- Eighty-one percent of principals report that the Blessed Sacrament is reserved in the school in a location available for visits by students and faculty throughout the day.

6. Computer Use

In U. S. Catholic high schools . . .

- Ninety-nine percent have one or more microcomputers.
- The most frequent uses of computers are for compiling alumni and parent lists and for budget management.
- Twenty-seven percent of graduating seniors in the class of 1983 took one or more courses in computer programming.
- In 1982-83, 78 percent offered one or more courses in computer programming.

7. School Standards

In U. S. Catholic high schools . . .

- For 1983-84, 35 percent of schools accepted all students who applied for admission to the 9th grade.
- During 1982-83, 62 percent expelled one or more students for academic reasons, and 72 percent expelled one or more students for disciplinary reasons.
- Ninety-nine percent of schools have a written statement of standards for student behavior, which is given to each student.
- For each of the following problem behaviors, less than 5 percent of principals claim that the behavior is a "serious problem in my school": absenteeism, physical conflicts among students, theft, alcohol or drug use at school, vandalism, or verbal or physical abuse of teachers.
- Ninety-nine percent of high schools have rules about student dress, 93 percent prohibit students from leaving the school grounds during the school day, and 86 percent prohibit smoking in school or on the school grounds.
- Thirty-six percent of schools have a list of students waiting to be admitted.
- Ninety-seven percent of principals report that the administration knows within two hours if a student is absent from classes; 69 percent know within the hour.

8. Facilities, Resources, and Location

In U. S. Catholic high schools . . .

- Forty percent were established after 1951.
- Fourteen percent have merged with another high school.
- Sixteen percent have changed from a single-sex school to a coed school.
- Fifty-nine percent provide school-owned housing for some or all staff members.
- Catholic high-school libraries, on the average, have approximately 11,800 volumes.
- Thirty percent of the 910 high schools are located in a metropolitan area with a population of one million or more. Seventeen percent are in cities with a population of less than 25,000.
- Sixty-three percent of schools report that some or all of their school facilities are accessible to handicapped or wheel-chair-bound students.
- Fifty-two percent of Catholic high schools are located within the limits of a city with two or more suburbs. Thirty-five percent of schools are suburban.
- Almost a quarter of schools are located in an area where 25 percent or more of the residents are black.

9. School Climate

For each of the following school characteristics is listed the percentage of principals who think that the characteristic "is true of this school."

• Students are expected to do homework.	95%
• School has a strong "sense of community."	92%
• Teachers at this school constantly press students to do their very best.	92%
• Teacher morale is high.	90%
• School places a great deal of emphasis on varsity athletics.	47%
• Teachers find it difficult to motivate students.	18%
• Many teachers do not actively support the religious mission of their school.	7%

- Principals estimate that staff, students, and families would attend school events in the following percentages:

	Major Events		
	Dramatic	Music	Sports
Students	40%	32%	55%
Staff	58%	47%	52%
Family Members	36%	30%	42%

10. Parent Involvement

In U. S. Catholic high schools . . .

- Eighty-four percent have a parents' organization. On the average, principals estimate that about one-third of parents are active in parents' organization.
- Ninety-six percent of schools hold parent-teacher conferences at least once a year. Thirty-five percent schedule conferences at least every three months, some as often as monthly.
- On the average, principals report that their school received about 3,000 hours of parent volunteer work during 1982-83.
- In stating their perceptions of parents' goals for the school, principals named these as the top two expectations: "preparing students for college" and "developing high moral standards and citizenship."

11. Development and Finances

In U. S. Catholic high schools . . .

- On the average, 10 percent of annual income comes from fund-raising events. Interest on investments, on the average, provides 2 percent of annual income.
- Fifty-six percent of high schools have a development office, and 59 percent have someone designated as development coordinator or development officer.
- Forty-nine percent have a director of public relations.
- Fifteen percent have an estate-planning / deferred-giving program in operation. In the fall of 1983, 26 percent were involved in a capital-fund effort.
- The 910 schools reported their total operating budget for 1982-83 to be just under a billion dollars.
- Using the total enrollment figures reported by these schools, per-pupil cost for operating expenses across all the schools was $1,839 per student in 1982-83.

12. Governance and External Relations

In U. S. Catholic high schools . . .

- Seventy-two percent have a school board (either advisory or policy-making). The average size of school boards is 15, of which one-third are women and about two-thirds are laity.
- Sixty percent of principals report that their school board has more influence on school policy now than it did five years ago.
- Sixty-three percent receive state aid for library or audio-visual resources; 49 percent receive state aid for textbook purchases, and 40 percent receive aid for bus transportation.
- Fifty-nine percent of school boards meet monthly or more often.

13. Five-Year Trends

- More than half of high-school principals report that their school has experienced an increase "in the last five years" in:

—Goal-setting and long-term planning
—Emphasis on basic reading, writing, and mathematics skills
—Percentage of lay teachers
—Number of persons involved in school decision-making
—Number of courses required for graduation

- Only 1 percent report an increase in disciplinary problems.
- Thirty-seven percent report an increase in the percentage of minority students. Only 6 percent report a decrease in minority-student enrollment.

14. Needs and Achievements

Principals were asked to evaluate "how well your high school is operating" in each of 45 areas of school life. The six areas receiving the best marks, on the average, of these evaluations were:

- Maintaining an effective discipline policy
- Religious education
- Value or moral education
- Creating a caring and benevolent school environment
- Mathematics curriculum
- Science curriculum

The areas in which principals indicated their schools had the most pressing needs were:

- Quality education for the handicapped
- Involving parents and the community in decision-making
- Responding to the special needs of minorities
- Recruiting and retaining low-income students
- Computer-assisted teaching

WASHINGTON

Federal Judge Orders Consolidation Of Little Rock, Suburban Districts

By Tom Mirga

A federal district judge in Little Rock, Ark., has ruled that two largely white suburban school districts have contributed to student segregation in the city schools and thus should be consolidated with the predominantly black district.

"In my view, public education in this community has reached a crisis stage," said U. S. District Judge Henry Woods in his April 13 order. "The problem cannot be avoided by equivocation or half measures."

Judge Woods set a hearing for April 30 to begin working out details of the consolidation, which will affect approximately 56,000 students in the metropolitan Little Rock area.

However, lawyers for the suburban North Little Rock and Pulaski County school districts have announced that they will seek a stay of the order pending their appeal to the U. S. Court of Appeals for the Eighth Circuit.

"This opinion is based almost entirely upon the conclusions of outside experts, who were basing their conclusions on the conclusions of others," said W. H. Dillahaunty, who represents North Little Rock district in *Little Rock School District v. Pulaski County School District, et al.* "I know that sounds convoluted, but I guess I feel just like that gal in that commercial: 'Where's the proof?' "

History of Resistance

Little Rock became synonymous with resistance to desegregration when, in 1957, Governor Orval Faubus ordered the Arkansas National Guard to prevent the enrollment of nine black schoolchildren in then all-white Central High School. President Eisenhower responded to the protest by federalizing the National Guard unit and by dispatching troops of the 101st Airborne Division to disperse mobs of angry whites and to ensure that a federal court order to desegregate was carried out.

According to papers filed with the court in the latest round of litigation, the Little Rock school district has become smaller and increasingly black during the past 10 years. In the 1973-74 school year, 48 percent of the district's 21,095 students were black. Today, the total number of students has shrunk to 19,052, of whom 70 percent are black.

By comparison, the North Little Rock district enrolls 9,051 students, of whom 36 percent are black, and the Pulaski County district enrolls 27,839 students, of whom 22 percent are black. The North Little Rock district lies directly across the Arkansas River from the city school district, and the Pulaski County district encircles them both.

Contributed to Segregation

In his 64-page memorandum and opinion, Judge Woods held that over a period of years, the suburban districts, in concert with other public and private agencies, acted in a manner that contributed to segregated housing and other conditions that resulted in increasing segregation in the Little Rock district.

For example, he noted that the districts accepted white students from Little Rock in 1959 when Governor Faubus closed the city schools following a U. S. Supreme Court desegregation order. Judge Woods also wrote that talks among the three districts regarding voluntary consolidation in the late 1960's were broken off by the suburban districts following the city district's adoption of a full-scale desegregation plan. In addition, he noted that neither suburban district provides "compensatory" educational assistance for its black students.

Furthermore, Judge Woods wrote that the North Little Rock district has failed to hire and promote black teachers and administrators in numbers proportionate to their representation in the city and that it disproportionately classifies black students as educably mentally retarded.

The Pulaski County district, he continued, has failed in large part to comply with the provisions of a consent decree that settled a separate desegregation suit. Among other things, he noted the district has failed to guarantee racially neutral policies on the selection of school-construction sites, to establish a biracial council as ordered, and to seat two blacks on the county board as nonvoting, ex-officio members.

"The deficiencies in the Pulaski County and North Little Rock districts have had severe interdistrict effects," Judge Woods wrote. "The only long-term or even short-term solution to these problems is consolidation.

"Not only will this solution provide the basis for the establishment of a unitary school system, but it should provide economy in administration and transportation that will contribute toward a quality education for all students in this county," he concluded.

Related Activity

In other desegregation cases around the country:

• Missouri Attorney General John D. Ashcroft has asked the federal district judge overseeing the St. Louis metropolitan area's school-desegregation lawsuit to reject proposals for five magnet programs in the city next year.

In a petition filed with U. S. District Judge William L. Hungate on April 9, Mr. Ashcroft said the programs were approved without careful study to determine whether they would actually attract white students from St. Louis County into the predominantly black city schools.

Three of the five programs approved for expansion or duplication would have only a "feeble drawing power," he contended.

Suit Filed in Yonkers

• The Yonkers (N.Y.) Board of Education voted unanimously on April 14 to sue the city of Yonkers for $12.5 million to prevent the shutdown of public schools on April 30, when the district is expected to run out of money.

The legal battle pits the school board and Mayor Angelo R. Martinelli against the city's corporation council, which contends it does not have the ability to raise the funds. The city faces a projected $42-million budget deficit in the fiscal year that begins on July 1.

The state has offered the city a $9.5-million loan to help see the schools through the financial crunch, but it was contingent on the imposition of a state financial-control board. A majority of the seven-member council rejected the offer earlier this month.

The school district's current financial status bodes ill for a proposed out-of-court settlement of the district's school-desegregation lawsuit.

Under the terms of an agreement reached last month by the school board, the U. S. Justice Department, and the National Association for the Advancement of Colored People, the district was required to come up with $18 million by April 20 to finance the voluntary integration plan. The case is to go back to trial in federal district court if the funds are not made available.

Los Angeles Desegregation

• Lawyers for the N.A.A.C.P. and the Los Angeles Unified School District, in a rare full session of a federal appeals court earlier this month, argued over the civil-rights group's right to pursue a lawsuit accusing the district of practicing "longstanding" segregation.

The organization has attempted to resurrect a class action rejected last September by a three-judge panel of the U. S. Court of Appeals for the Ninth Circuit. It claims that the school district has failed to take steps to eliminate all vestiges of state-imposed segregation.

The appeals court is expected to issue its ruling in the case, *N.A.A.C.P. v. Los Angeles Unified School District*, by July.

Meanwhile, the city school board last week agreed to pay $1.35 million in fees to lawyers for the N.A.A.C.P. and other civil-rights groups who argued for the use of busing as a tool to desegregate the city's schools.

The payment of the fees was originally required by a federal district judge in November 1981 following the passage of a voter-approved initiative that halted mandatory busing and effectively killed the lawsuit.

High Court Asked To Restrict Medical Services for Students

By Tom Mirga

WASHINGTON—A lawyer for a Texas school district asked the U. S. Supreme Court last week to rule that a federal anti-discrimination statute requires schools to provide handicapped students with medical care only for purposes of diagnosis and evaluation.

Catheterizing a student's bladder in order to allow her to urinate is not a "related service" as defined under the Education for All Handicapped Children Act of 1975, argued James W. Deatherage on behalf of the district in *Irving Independent School District v. Tatro* (Case No. 83-558).

"There was a limitation placed by Congress in that definition, and that limitation was diagnosis and evaluation only," he said. "We submit there is nothing in this act requiring school districts to provide clean, intermittent catheterization."

But, argued James C. Todd, the lawyer for the seven-year-old girl whose parents filed the lawsuit, catheterization "is surely not among the greater burdens that school districts are required to bear" under the anti-discrimination law, P. L. 94-142.

"Catheterization is so simple that a person of average intelligence can be trained to do the procedure in less than 30 minutes," Mr. Todd said. "We are not asking the school district to cure her."

Related Services

The Justices' decision to hear the case stems from an April 1983 federal appeals court ruling that catheterization—the insertion of a small tube into the urethra to empty the bladder—is a related service guaranteed to handicapped students under P.L. 94-142. *(See Education Week, May 25, 1983.)*

The law defines such services as those "required to assist a handicapped child to benefit from special education." But it goes on to say, however, that medical services covered under this definition "shall be for diagnostic and evaluation [purposes] only."

The lawsuit was initiated in 1979 by the parents of Amber Tatro, a child of normal intelligence who was born with spina bifida, a condition that prevents her from urinating normally. Amber's parents requested that the school district create an individualized education program for her that includes catheterization, but the district declined, saying that the service was "medical treatment" not required under the law.

The Court could rule in the case before its summer recess, which begins in early July, or it could wait until the after the beginning of its next session in October to hand down its decision.

Buffalo Desegregation

In other actions last week:

•The Court turned down a request by the mayor of Buffalo, N. Y., that it review a federal district judge's $7.4-million funding order in the city's school-desegregation case, *Griffin v. Board of Education* (No. 83-625).

In papers filed with the Justices, lawyers for Mayor James D. Griffin unsuccessfully argued that it was unconstitutional for the judge to direct the city to appropriate the funds, in part because the sum "was picked out of the air" by the school board's lawyer.

The municipal government also challenged as false the school board's claim that its entire budget is required for desegregation.

The city noted that the National Association for the Advancement of Colored People, which also is involved in the lawsuit, disagreed with the school board's position when the case was tried before a federal appeals court. During that trial, lawyers for the civil-rights group stated that the Buffalo board and other school boards around the country were "giving desegregation a bad name" by claiming that "everything is required for desegregation."

The mayor, residents, and taxpayers of Buffalo have been exonerated of any fault in the desegregation case, the city argued in its motion seeking review of the case.

"The responsibility was that of . . . the school board itself," it said. "Now, to escape from the consequences of its wrong, the school

Continued on Page 15

Chapter 2 Allocations for 1984-85

State	Fiscal 1984 Allocation
Alabama	$7,768,128
Alaska	2,229,304
Arizona	5,432,061
Arkansas	4,465,735
California	42,771,613
Colorado	5,507,115
Connecticut	5,488,351
Delaware	2,229,304
District of Columbia	2,229,304
Florida	16,765,272
Georgia	11,173,720
Hawaii	2,229,304
Idaho	2,229,304
Illinois	21,202,862
Indiana	10,573,285
Iowa	5,347,624
Kansas	4,240,572
Kentucky	7,167,693
Louisiana	8,959,616
Maine	2,229,304
Maryland	7,721,219
Massachusetts	9,916,560
Michigan	17,769,124
Minnesota	7,608,637
Mississippi	5,450,824
Missouri	8,893,944
Montana	2,229,304
Nebraska	2,927,121
Nevada	2,229,304
New Hampshire	2,229,304
New Jersey	13,350,297
New Mexico	2,795,776
New York	31,110,039
North Carolina	11,258,157
North Dakota	2,229,304
Ohio	20,245,918
Oklahoma	5,938,678
Oregon	4,756,571
Pennsylvania	20,799,444
Rhode Island	2,229,304
South Carolina	6,389,004
South Dakota	2,229,304
Tennessee	8,725,071
Texas	30,096,805
Utah	3,565,083
Vermont	2,229,304
Virginia	9,907,178
Washington	7,646,165
West Virginia	3,771,482
Wisconsin	8,884,562
Wyoming	2,229,304
Puerto Rico	8,259,237
American Samoa	436,089
Northern Marianas	219,073
Guam	1,233,725
Trust Territory	1,652,196
Virgin Islands	1,253,117
Total	**$445,860,800**

Note: One percent of the Chapter 2 appropriation is reserved for outlying areas. An additional amount of up to six percent is reserved for the secretary's discretionary fund. The rest is distributed on the basis of the number of children aged 5 to 17.

Source: U. S. Education Department.